

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

THOMAS A. EAMES, ROBERTA L. EAMES)	
and TAMMY EAMES, on behalf of)	
themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	C.A. No. 04-CV-1324KAJ
)	
v.)	
)	
NATIONWIDE MUTUAL INSURANCE)	
COMPANY,)	
)	
Defendant.)	

AFFIDAVIT OF JOHN S. SPADARO REGARDING CERTAIN EXPENSES

STATE OF DELAWARE)
) SS
COUNTY OF NEW CASTLE)

John S. Spadaro, being duly sworn, deposes and says:

1. I am an attorney admitted to the Bar of the Supreme Court of the State of Delaware, and a member of the firm of Murphy Spadaro & Landon.
2. I am counsel of record herein for the plaintiffs Thomas A. Eames, Roberta L. Eames and Tammy Eames (the "Eames plaintiffs") and submit this affidavit in connection with their pending motion to compel, filed on October 26, 2005. I have personal knowledge of the facts set forth below.
3. On April 7, 2005, the Eames plaintiffs served defendant Nationwide Mutual Insurance Company with their initial document requests, seeking production of documents related to those particular underwriting practices that are the subject of this lawsuit. Nationwide served its responses to those document requests on May 9, 2005.

4. The Eames plaintiffs regarded (and still regard) Nationwide's responses to the initial document requests as deficient. A discovery dispute thus arose between the parties with respect to those responses. Since May 2005 my firm and I have provided legal services to the Eames plaintiffs in connection with that discovery dispute. Those legal services are reflected in the billing summary attached as Exhibit A (the "billing summary").

5. The billing summary reflects the range of activities made necessary by the parties' discovery dispute, including an extended meet-and-confer process (through e-mails, letters, and one in-person meeting), teleconferences with the Court, and motion practice.¹

6. The billing summary sets forth the date on which each relevant task was performed; the identity of the lawyer or paralegal performing the task; the amount of time devoted to the task; and the hourly billing rate for the involved lawyer or paralegal. The "timekeepers" are identified by their initials, "JSS" indicating attorney John S. Spadaro and "HRJ" indicating paralegal Heather R. Jones. Mr. Spadaro's time has been recorded at an hourly rate of \$250, while time incurred by Ms. Jones has been recorded at an hourly rate of \$70.

7. The hourly rate shown in the billing summary for paralegal time (\$70) is a rate routinely charged by my office for paralegal services in commercial and other litigation.

8. The hourly rate shown in the billing summary for attorney time (\$250) is a rate routinely charged by my office for attorney services in commercial and other litigation.

9. All the legal services reflected by the attached billing summary were actually provided, and were necessary to the Eames plaintiffs' prosecution of the instant dispute (regarding Nationwide's responses to the initial document requests).

¹ The billing summary does not include activities related to the parties' September 13, 2005 teleconference with the Court. The Eames plaintiffs do not seek recovery of expenses with respect to that teleconference.

John S. Spadaro
John S. Spadaro

SWORN TO AND SUBSCRIBED before me, a Notary Public in and for the State and County
aforesaid.

Heather R. Jones
NOTARY PUBLIC

My Commission Expires: 4/28/09

HEATHER R. JONES
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires April 28, 2009

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NOTICE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Nicholas E. Skiles, Esq.
Swartz Campbell LLC
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P.O. Box 330
Wilmington, DE 19899

MURPHY SPADARO & LANDON

/s/ John S. Spadaro
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Attorneys for plaintiffs
Thomas A. Eames, Roberta L. Eames and
Tammy Eames (on behalf of themselves and
all others similarly situated)

January 3, 2006